

## READY TO LAUNCH CONSTITUTION.

Police Will Guard All Piers and Avenues of Approach—Great Flotilla in the Bay—Special Trains Bring Crowds to Bristol.



MRS. W. BUTLER DUNCAN.  
Who will christen the Constitution.

(Special to The Evening World.)  
BRISTOL, R. I., May 6.—Everything is ready for launching the new century cup champion Constitution from the south construction shop when the tide swells this evening between 7 and 8 o'clock.

It is the impression, however, among old Herreshoff employees, that it will be after 9 o'clock when the Constitution is floated. Chief of Police Board has detailed a squad of officers to guard the entrance to the North pier, another squad will protect the entrance to the South pier from invasion by the uninvited. The officers have been ordered to report for duty at 7 o'clock.

At Work at Daylight.

This morning at daylight a large force of carpenters was set at work in the south shop removing the staging around the yacht, putting in keel and preparing the doors at the west point of the shop to allow the Constitution to pass through unscathed. While this was going on twenty riveters and painters were at the topdies in the stern section and as many others were laying the composite cork rubber deck covering. By 2 o'clock this afternoon only a few square feet of steel cladding remained in sight at the bow and stern and close to the waterway plates. So high does the bow extend into the shop that workmen could do little at the extreme stem.

When W. Butler Duncan, manager of the yacht, came ashore this morning with Newberry Thorne, he de-

clared plans for the launching had been perfected, but would not announce the name of the lady selected to christen the yacht.

Captain Not at the Wheel.

Designer Nat will take his station on the Constitution near the wheel and direct the operation from start to finish, as is his custom.

A special train to arrive at 5 P. M. will bring August Belmont and a distinguished party of guests to witness the launching. Mr. Belmont is a member of the syndicate. He, with Harrison H. Moore, who is coming up from Newport on his steam yacht Marietta, and J. C. Bourne, Newberry Thorne and others will stand on the launching platform when the yacht is christened. The final arrangements are to be decided when the special train arrives. Every train is bringing throngs of yachtsmen and others from Newport and Providence to point of the ship to witness the launching. It is expected there will be several thousand visitors about in all kinds of boats.

Better weather could not be desired. Out of a clear sky a light breeze from the northeast is blowing barely rippling the waters of the bay.

Harbor Full of Yachts.

Bristol harbor is rapidly filling with steam and sail yachts, most of them dressed with flags. Torpedo boats from Newport will be here this afternoon and it is said the Columbia in charge of E. D. Morgan, will arrive in time to anchor before work.

Challenger drew away from the other fast and steadily. The boats bore away for the wind to take the Shamrock I. on board. Both were then ranked in a line off the Squadron Castle and the Kinn gave the signal to go.

The challenger was well placed to windward, but apparently she desired to give the Shamrock I. the advantage of a start for the new boat was deliberately reached off across the stern and the other and took up a position half a mile away on her lee quarter, with the intention, it seemed, of trying whether she could make up on the fetch out of Lymington. Both sailed far enough off the wind to keep their sails full, and the challenger foisted much faster than the Shamrock I. In the course of half an hour she had drawn ahead and was wide under the lee bow of the former challenger. She then threw round and just failed to cross ahead of the Shamrock I.

"Points" Wonderfully High.

Passing close astern of the old challenger the Shamrock II. was luffed up, and pointing wonderfully high and sailing fast for a few minutes, she was able to pass the old boat wide to weather and a start for the new boat was deliberately reached off across the stern and the other and took up a position half a mile away on her lee quarter, with the intention, it seemed, of trying whether she could make up on the fetch out of Lymington. Both sailed far enough off the wind to keep their sails full, and the challenger foisted much faster than the Shamrock I. In the course of half an hour she had drawn ahead and was wide under the lee bow of the former challenger. She then threw round and just failed to cross ahead of the Shamrock I.

Getting Under Way.

The preparations for getting under way were started early. When the two Shamrocks were inside, Southampton water the wind drew north and became lighter. The challenger set a club-topmast and Shamrock I. set a main larger club-topmast. They had the dead end down the water. The challenger went out under mainmast and topmast only. The Shamrock I. set a jib. At the start the challenger set a jib, but the Shamrock I., catching a better breeze, soon began to overhaul her. The challenger set a jib and stayed, but though the breeze here was light and the water smooth, the Shamrock I. held close astern, losing nothing from Nantux to Calcutt. There they headed into the wind and reached alone a faster breeze, the challenger luffed by half a minute, passing the Spi-

## MANY HURT IN TRAIN WRECK.

Engineer Killed and Three of Twenty-five Injured Will Die.

OTTUMWA, Ia., May 6.—Burlington fast passenger train No. 3 struck a construction train at Thayer this afternoon. Twenty-five passengers and trainmen were injured, three fatally.

CHICAGO, May 6.—At the Burlington general offices here it was stated that both engines, the baggage car, smoking car and three chair cars were wrecked. The dining car and sleepers remained on the track and their occupants were uninjured.

## GETTING KENNEDY JURY.

(Continued from First Page.)

trial will acquit my husband. He is innocent and the truth must prevail. The case will not stand. The last jury could not find him guilty, and from this new trial I am sure he will come forth free.

She sat outside of the railing right in the aisle along which her husband would pass as he came from the pen into the courtroom. The room was close, and she fanned herself with a newspaper. She is this time denied the privilege of sitting beside her husband during his ordeal, for Judge Newburger has refused her permission. So she has taken her place outside the inclosure among the witnesses and spectators, the keenest of her deprivation hidden by her calm, resolute face.

Mrs. Kennedy Still Smiles.

Her Staten Island friends are indignant, but Mrs. Kennedy merely smiles and says: "I'm sorry, but if it must be so I'll have to make the best of it."

Dr. Kennedy will miss her low-spoken words of encouragement, her cheering grasp of the hand at the most critical moments of the trial. It will come to him with a sense of deep loss, the presence of this self-sacrificing little woman by his side.

Judge Newburger holds that the inclosure is for the use of counsel for the people and the defendant. The defendant in this case is Dr. Kennedy and not Mrs. Kennedy.

The time dragged as a long list of jurors filed up before Judge Newburger with excuses.

The Dentist Enters Court.

Kennedy entered court at 11:15 o'clock, but did not go into the inclosure by way of the aisle where Mrs. Kennedy sat. She looked disappointed.

Dr. Kennedy looks much better than he did at the last trial. He has gained flesh and is much more composed. It is apparent he fully shares the confidence of his wife and his attorneys.

The troubled, tense expression that marked him during yesterday's last has vanished, his eyes are clear and he is in fit condition, apparently, to undergo the severest ordeal.

It was 11:55 o'clock before the first taleman was called for examination. He was Harry R. Churchill. He lives at No. 29 West One Hundred and Thirty-sixth street. He has scruples against circumstantial evidence. He was excused.

George W. Dorian, a wholesale liquor salesman, of No. 126 Front street, Brooklyn, was excused because he is compelled to visit his ill wife twice a week.

The first man selected for the jury was Joseph E. Aue, mechanical draughtsman, Beekman avenue and One Hundred and Twenty-third street.

When recess was announced Mrs. Kennedy kept her seat, while the spectators and talemen fled out. They gazed curiously at her as she sat fixedly at her husband. The room was cleared at last and she walked into the inclosure where he was and, throwing her arms about his neck, kissed him repeatedly.

Judge Newburger gave them permission to remain in the room during the entire recess. They sat with their heads close together, his arm on the rail and partially about her.

At the opening of the afternoon session Julius A. Bower was examined, but having a decided bias was challenged by the defense. Then William Proudman, Jr., was called. He is in the rubber business at No. 39 Broadway. He was accepted for jury duty.

As soon as the jury was sworn, the third juror, John N. Thompson, real estate, No. 10 Broadway, filled the fourth seat in the box. He is married and has a family. He is acquainted with Assistant District Attorney Charles H. Smith, and the defense seemed perfectly satisfied with him.

John H. McDonald, builder, of Nos. 23 and 25 West One Hundred and Thirty-sixth street, knew several of the friends of Kennedy and they had talked with him. He was accepted as the fifth juror.

Richard M. Hart, 1127 Amsterdam avenue, knows some of the friends of Kennedy and they had talked with him. He was accepted as the sixth juror.

William H. Newell, of No. 26 Fifth street, was then called. He was accepted as the seventh juror.

A Little Reminder.

The distribution of copyrighted books for a quarter of a century has been a steady stream. The demand for these popular works ever since they have been on sale.

The authors are famous for the high literary quality of their work, and the list includes such names as Paul I. Ford, Pemberton, Mrs. Atherton, Harriet Frederic and others of equal fame.

This week's issue brings forward the brilliant E. P. Roe and his "Driven" book, with no doubt, fully equal to the record of the others, as E. P. Roe was the most popular author of his generation. Eight novels in all are now available, and book buyers will find it well worth their while to get them before the attention of any one else.

Remember, though, that this little reminder, one of our "Driven" books, is available at only a quarter price. Page 7 of today's Evening World contains a special "Wanted" advertisement.

## YARMOUTH WANTS \$25,000 FOR LIBEL.

Miss Sylvia Green One of the Heiresses Called as Witnesses Against Eric Hope.



The Earl of Yarmouth's (Eric Hope) suit for \$25,000 damages to his reputation, an action against the Daily Telegraph, was before Justice Leventritt in Part VIII. of the Supreme Court this afternoon, and several witnesses were subpoenaed as witnesses for the paper.

Among them was Sylvia Green, daughter of Hetty Green, the richest woman in New York.

A. H. Hummel appeared as counsel for the Earl of Yarmouth.

On Dec. 9-10, 1900, the Telegraph published the story which "Eric Hope," actor, otherwise the Earl of Yarmouth, says hurt his feelings and his reputation \$25,000 worth.

The objectionable words in the article are "Yarmouth imagined he was an artist, and that under the name of Eric Hope he was as good as when he wore the title. This fancy was rudely jolted yesterday, when a heartless manager announced he was not worth seven cents a week as Eric Hope."

Arthur English is the attorney for the newspaper.

The answer to the complaint sets up a general denial of libel and alleges the truth of the statements in the paper on which the suit is based.

The answer also sets up several sensational allegations.

"The Earl of Yarmouth's general reputation at the time of the printing of the article in question was bad," says the answer. "He was cheap, and

## GRAND JURY TO PROBE "WILDCATS"

Judge Foster Scores Wall Street Get-Rich-Quick Schemes in a Fierce Charge to May Jurors.

Judge Foster in Part I. of the Court of General Sessions today impounded a new Grand Jury for the May term, with Abraham Bachm, a real estate dealer at No. 31 Nassau street, as foreman.

Judge Foster delivered a sensational charge dealing with "wildcat" boom, "get-rich-quick" syndicates, and the like, as practiced in Wall street.

Judge Foster's charge was in part as follows:

"Ordinarily the matters that will engage your attention come to you through the usual channels of the Magistrate's courts, but you are not con-

limited nor limited to these. You have the right and it is your duty, if there be other crimes, to inquire into them.

"The great prosperity that our country is enjoying at the present, and the mad struggle for gain that this engenders, has furnished the soil of the unscrupulous and daily launched new schemes for gain that are dishonest and directly in violation of our laws.

"Co-operative pools, or get-rich-quick syndicates as called, offering profits to shame the earnings of honest toil, have furnished the soil of the unscrupulous and daily launched new schemes for gain that are dishonest and directly in violation of our laws.

"The money that is secured is stolen. I bring this to your attention and to the attention of you, Mr. District Attorney (turning to Mr. Philbin, who sat alongside of him), in order that you, with the District Attorney's aid, may make such investigation as may indicate such guilty persons for an attempt at grand larceny, in order to bring this sin in the nostrils of the financial community.

Tenants Flee in Fire Panic.

Brooklyn Blaze Causes Great Excitement—Narrow Escapes.

Alarmed tenants rushing from their apartments in the four-story flat building at No. 43 Seventh street, Brooklyn, found the hallway and stairs filled with smoke and flames at 2 o'clock this afternoon.

## CITY BUDGET GIVEN OUT.

Coler Says 83 Per Cent. of Appropriation Is Mandatory.

Comptroller Coler today gave out his long-promised statement regarding the appropriation in the budget for 1901. Mr. Coler for some time has said that a great majority of the budget is mandatory and the city is compelled to spend money without any respite.

Mr. Coler said that 83 per cent. of the entire budget for 1901 of \$8,109,412.13 is mandatory. The amount which he styles "mandatory" or "practically mandatory" totals up \$6,727,125.52 of this amount \$4,779,758.91 is for salaries, wages, &c. The total wages and salaries in the budget is \$2,545,322.41, which makes the mandatory percentage for those items about 55 per cent.

Mr. Coler figures that "mandatory" and "practically mandatory" features other than wages and salaries amount to about \$4,587,366.61 or about 57.5 per cent.

Mr. Coler when asked about the statement said:

"People are continually saying that if the Board of Estimate wished it could save the salary list \$25,000,000. This statement which I have made up simply shows that the Board of Estimate could not do it if it wished, as 55 per cent. of the salary list is mandatory.

Besides that there are also mandatory provisions regarding the refunding of the city debt. The Mayor has stated that 83 per cent. of the budget is mandatory and only 17 per cent. not. In Grace's time only 40 per cent. of the budget was mandatory. I think that the Mayor is a little conservative."

## COURT STOPS SALE OF NOTES.

Wall Street Deal That Involved Millions in Court.

Justice O'Gorman, of the Supreme Court, on the application of Osborn Conyngham, has granted an injunction restraining Linn Beecher from disposing of \$30,000 worth of promissory notes and also \$30,000 worth of other securities given as collateral for the payment of the notes.

Several months ago Conyngham had a receiver appointed for Beecher's property. The Appellate Division decided, however, that the receiver's appointment was invalid, and it was accordingly dissolved. An injunction proceeding was then brought by Conyngham, who alleged that he would be remediless if Beecher was permitted to dispose of either the notes or the securities.

Beecher claims that the agreement was for \$30,000 in cash, and that the securities, valued at \$30,000, were given for this reason. Conyngham, it is said, floated the American Railway Company in conjunction with Beecher last July. The company then agreed to take over the patents and give him \$5,000 in cash and a share of stock of the corporation, and \$35,000 in cash.

The answer goes on to say that the Marquis of Anjou, a man of very bad reputation, and that he was the associate of disreputable people. As all the courts were busy, the trial of the case of Yarmouth was postponed until tomorrow.

Hastened to Miss Green.

When Miss Sylvia Green came into court, the Earl of Yarmouth hastened to sit by her side.

Yarmouth and his "dearest enemy" chattered together in a full, slender, graceful, handsome in a small-featured way; she also tall, with long, marble-white face, deep-set eyes, and large, featured, wore a Persian lamb jacket over a black gown—plain as any her mother ever slaughtered. Wall street lambs in—and a large black hat with a garland of pink roses on the brim.

There were a dozen other women in court, suit to be society friends and stage associates of the noble plaintiff. A. H. Hummel, counsel for his Lordship, said Yarmouth would be his own only witness.

Witness Reynolds Asked Questions of Politics on Cross-Examination.

James B. Reynolds, Manager of the University Settlement, continued the record of his charges against Police Captain Herlihy at the hearing before Magistrate Cornell this morning, in the Jefferson Market Court.

Assistant District Attorney Schurman appeared for District Attorney Philbin, who is behind Mr. Reynolds. Abraham Elkus is Herlihy's counsel during the illness of Lawyer Fred B. House.

Mr. Elkus cross-examined today.

"What do you do besides your settlement work?" he asked.

"Nothing, as a business."

"How about politics?"

"I am District Chairman of the Citizens' Union. In 1897 I was General Chairman."

"Ah! The Citizens' Union," said Mr. Elkus. "Is that not an organization for the changing about of police officials?"

The question was objected to by the Magistrate.

Never Heard of Hilda.

"Have you not heard that while Capt. Herlihy was in the Twelfth Precinct

many disorderly women were arrested and objectionable places raided?"

"No, I am sorry to say, I haven't."

"Herlihy's lawyer asked himself to try to show that there were no disorderly houses in the 'Red Light' district."

"When did the disorderliness first make itself known?" asked Mr. Elkus. "Late in 1896."

"And when did it lessen?"

"It began, and ended with Capt. Herlihy's coming and going from the precinct."

"Were you interested in it?" asked Mr. Elkus.

"Herlihy found guilty before the Police Commission?" asked Mr. Elkus.

"I was," answered Mr. Reynolds.

"Did you ever give Capt. Herlihy a pat on the head as you were led?"

"No."

"On red-light examination Mr. Schurman asked:

"The latter part of January, this year, it began, and ended with Capt. Herlihy's coming and going from the precinct."

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